

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1642

Introduced by Assembly Member Gordon
(Coauthors: Assembly Members Alejo, Beall, Monning, and Wieckowski)

February 13, 2012

An act to amend Section 880.340 of the Civil Code, and to amend Section 27201 of the Government Code, relating to the county recorder.

LEGISLATIVE COUNSEL'S DIGEST

AB 1642, as amended, Gordon. County recorder: recordation of documents.

Existing law requires the county recorder, upon payment of proper fees and taxes, to record any document that is authorized or required by statute or court order to be recorded, provided that the document meets certain standards.

This bill would additionally require the county recorder to record any document that is authorized or required by local ordinance *of adopted within* that county to be recorded. ~~By imposing additional duties on a local official, this bill would constitute a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Existing law sets forth the required form that a notice of intent to preserve an interest in real property must take.

This bill would revise that form.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

SECTION 1. Section 880.340 of the Civil Code is amended to read:

880.340. Subject to all statutory requirements for recorded documents, a notice of intent to preserve an interest in real property shall be in substantially the following form:

RECORDING INFORMATION

Recording requested by: FOR USE OF COUNTY
RECORDER

After recording return to:

Indexing instructions.

This notice must be indexed as follows:
Grantor and grantee
index—each claimant
is a grantor.

NOTICE OF INTENT TO PRESERVE INTEREST

This notice is intended to preserve an interest in real property from extinguishment pursuant to Title 5 (commencing with Section 880.020) of Part 2 of Division 2 of the Civil Code (Marketable Record Title).

Claimant Name:
Mailing address:
(must be given for each claimant)

Interest Character (e.g., power of
termination):
Record location of document
creating or evidencing
interest in claimant:

Real Property Legal description (may be same
as in recorded document
creating or evidencing
interest in claimant):

I assert under penalty of perjury that this notice is not recorded for the purpose
of slandering title to real property and I am informed and believe that the
information contained in this notice is true. If this notice is made on behalf of
a claimant, I assert under penalty of perjury that I am authorized to act on
behalf of the claimant.

Signed: _____ Date: _____
(claimant)

(person acting on behalf
of claimant)

Certificate of acknowledgment required.

State of _____,

County of _____, ss:

— On this _____ day of _____, in the year _____, before me (here insert
name and quality of officer), personally appeared _____, personally
known to me (or proved to me on the basis of satisfactory evidence) to be the
person whose name is subscribed to this instrument, and acknowledged that
he (she or they) executed it.

Signed: _____ Official Seal:

Office: _____

SECTION 1.

SEC. 2. Section 27201 of the Government Code is amended
to read:

1 27201. (a) The recorder shall, upon payment of proper fees
2 and taxes, accept for recordation any instrument, paper, or notice
3 that is authorized or required by statute, ~~local ordinance of that~~
4 ~~county~~, or court order to be recorded, *or authorized or required*
5 *to be recorded by a local ordinance that relates to the recordation*
6 *of any instrument, paper, or notice that relates to real property*,
7 if the instrument, paper, or notice contains sufficient information
8 to be indexed as provided by statute, meets recording requirements
9 of state statutes and local ordinances, and is photographically
10 reproducible. The county recorder shall not refuse to record any
11 instrument, paper, or notice that is authorized or required by statute,
12 ~~local ordinance of that county, or court order, or local ordinance~~
13 *that relates to the recordation of any instrument, paper, or notice*
14 *that relates to real property* to be recorded on the basis of its lack
15 of legal sufficiency.

16 “Photographically reproducible,” for purposes of this division,
17 means all instruments, papers, or notices that comply with
18 standards as recommended by the American National Standards
19 Institute or the Association for Information and Image Management
20 for recording of records.

21 (b) (1) Each instrument, paper, or notice shall contain an
22 original signature or signatures, except as otherwise provided by
23 law, or be a certified copy of the original.

24 (2) A facsimile signature shall be accepted on a lien recorded
25 by a governmental agency when that facsimile signature has been
26 officially adopted by that agency. The lien shall have noted on its
27 face a statement to that effect. A copy of the agency’s resolution
28 or action adopting the signature for facsimile transmission purposes
29 or a certified copy of the agency’s adopted signature shall be
30 provided to the county recorder when the signature is officially
31 adopted by the agency, or at the beginning of each calendar year.

32 ~~SEC. 2. If the Commission on State Mandates determines that~~
33 ~~this act contains costs mandated by the state, reimbursement to~~
34 ~~local agencies and school districts for those costs shall be made~~
35 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
36 ~~4 of Title 2 of the Government Code.~~